IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 7683 of 2005

Between:

Silpa Real Estates, Rep. by its Partner B. Subramanyam,
Son of B.P. Pullaiah, aged about 45 years, R/o. Gayathri Estate,

Kurnool.

..... PETITIONER

AND

1 The Collector and District Magistrate, Kurnool District at Kurnool District.
2 The District Registrar, Stamps and Registration, Kurnool District.
3 The Sub Registrar, Stamps and Registration, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the respondents not receiving the sale deeds presented for registration in Sy.No. 43 and 349 of Dinnedevarapadu Village, Kurnool Mandal and District by issuing Memo Lr.No. Nil dt. 23-2-2005, as illegal and untenable and consequently direct the respondents to receive the documents and register the same, without reference to Memo No. Nil dt. 23-2-2005, and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P. SRI RAGHU RAM

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner claims to have presented sale deeds in respect of certain lands in Survey Nos.43 and 349 of Dinnedevarapadu village, Kurnool Mandal and District, for registration before the third respondent. Its grievance is that the third respondent is not receiving the sale deeds on the ground that there is a claim by the A.P. Wakf Board in respect of the lands in the said survey numbers and that there are instructions from the District Collector not to entertain any sale deeds in respect of the lands. It seeks appropriate directions in this regard and placed reliance upon the orders passed by this Court in identical matters.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The Registration Act and the Rules made there under prescribes the procedure for registering the documents presented before the authority concerned. Except where the registering authority entertains a doubt as to the identity of the person, who executed document, there hardly exists any discretion in the matter of receiving the documents for registration. Section 22-A of the Registration Act empowers the State Government to issue notifications in the official Gazettee prohibiting registration of transactions for the properties notified there under. Admittedly, no such notification has been issued by the State Government in respect of the lands in Survey Nos.43 and 349 of Dinnedevarapadu village, Kurnool Mandal and District.

In that view of the matter, the third respondent has no discretion, except to receive the documents and process the same in accordance with law. It is a settled principle of law that a sale in respect of immovable property would bind only the parties to it

and not the third parties.

The writ petition is accordingly disposed of directing the third respondent to receive the documents in accordance with law. There shall be no order as to costs.

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28-04-2005

Note: Issue C.C. by three days

(B/o)

kdl

To

1 The Collector and District Magistrate, Kurnool District at Kurnool District.
2 The District Registrar, Stamps and Registration, Kurnool District.
3 The Sub Registrar, Stamps and Registration, Kurnool District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court

of A.P., Hyderabad (OUT).

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